

Fetal Alcohol Spectrum Disorders Legislation Report (As of December 2007)

The Substance Abuse and Mental Health Services Administration (SAMHSA) Fetal Alcohol Spectrum Disorders (FASD) Center for Excellence (the Center) is a federally funded initiative devoted to preventing and addressing FASD. The Center has joined the National Institute on Alcohol Abuse and Alcoholism, the Centers for Disease Control and Prevention, and others in adopting the term fetal alcohol spectrum disorders to describe the wide range of problems that can develop when a fetus is exposed to alcohol in the womb. The Center provides resources and information on FASD to expand the knowledge base and promote best practices in both prevention and treatment.

One of the many resources and products the Center offers is the FASD Legislation Report.

The FASD Legislation Report is an annual report that includes legislation related to FASD passed or introduced since 2003. This latest report updates the SAMHSA FASD Center for Excellence April 2006 report, including legislation introduced, updated, or passed by December 2007.

The legislation data was compiled by searching the available databases located on each of the States' legislative Web sites by using the search terms in Table 1.0. The Center identified 86 FASD-related bills, distributed across the 33 States in Table 1.1. Nineteen of the bills were passed in 2007. During the 2003–2007 legislation period, nine of the bills were withdrawn or defeated (Table 1.5).

The FASD-related bills identified in this report are separated into four categories:

1. *General FASD Information*, including definitions and birth registries
2. *Legal Affairs*, including evidence constituting neglect, relinquishment of care of an infant, and removal of a child
3. *Prevention and Intervention Services*, including research, public information and awareness, treatment for women, and intervention with individuals with an FASD
4. *Requirements for Professionals*, including teacher certification, physician licensing, and reporting requirements

State legislatures continue to respond to the societal cost of FASD by emphasizing prevention and intervention services. State legislative actions range from calling for coordinated State FASD efforts to requiring that FASD information be given to persons applying for marriage licenses. Table 1.2 indicates the number of laws introduced or passed within each category. The data are aggregated by the year in which the bill was introduced.

Table 1.0 Search Terms Used 2003–2007

Search Terms	
Alcohol-Related	Drug Exposed
Alcohol-Related Neurological Disorder	Fetal Alcohol Syndrome
Alcohol-Related Neurodevelopmental Disorders	Fetal Alcohol Spectrum Disorders
Alcohol Consumption During Pregnancy	Prenatal Alcohol Exposure
Pregnancy Alcohol	Prenatal Alcohol

Table 1.1 States that Introduced Legislation 2003–2007

States With FASD-Related Legislation		
Alaska	Louisiana	New Mexico
Arizona	Maine	New York
Colorado	Maryland	North Carolina
Connecticut	Michigan	Oregon
Delaware	Minnesota	Pennsylvania
Florida	Missouri	Rhode Island
Hawaii	Montana	Texas
Idaho	Nebraska	Utah
Illinois	Nevada	Virginia
Indiana	New Hampshire	Washington
Kentucky	New Jersey	Wisconsin

Table 1.2 Legislation Subject Categories 2003–2007

Type of Bill	2003	2004	2005	2006	2007	Total
General FASD Information	2	3	2	1	0	8
Legal Affairs	1	0	3	2	3	9
Prevention and Intervention Services	5	13	16	13	16	63
Requirements for Professionals	0	3	1	1	0	5
Total	8	19	22	17	19	86

In 2007, 15 States introduced legislation (Table 1.3). Five States, Florida, Idaho, Michigan, Texas, and Utah introduced and passed legislation for the first time since this report was first compiled in 2003. The legislation introduced was very similar to legislation passed in other States the previous years. As in previous years more States introduced legislation related to prevention and intervention services (16). Also, there was slightly less legislation passed for legal affairs (3) and no legislation that passed in regards to general FASD information or requirements for professionals (Table 1.2).

Table 1.3 States that Introduced Legislation in 2007

States With FASD-Related Legislation Introduced in 2007		
Alaska	Illinois	Missouri
Connecticut	Indiana	New Mexico
Florida	Louisiana	New York
Hawaii	Michigan	Oregon
Idaho	Minnesota	Texas

Table 1.4 FASD State Legislation Introduced or Passed from 2003–2007 (Information sorted by State. The most recent legislation for each State is listed first. If there is an electronic version available via the States' Web site it can be accessed by clicking the bill number.)

State	Bill Number	Category	Description	Introduced	Status
AK	HB239	Prevention and Intervention Services	The department shall grant a priority to a proposed program or project if the proposed program or project provides prompt <u>substance abuse treatment for a pregnant woman</u> by advancing the woman on a waiting list for the program or project and by streamlining paperwork for admission of the woman to the program.	2007	Referred to the Health, Education & Social Services and Finance Committees 04/17/2007
AK	HB67	Prevention and Intervention Services	The Department of Health and Social Services will establish specific “evidence based” prevention programs at the community level through a competitive Request for Proposal (RFP). The department will also develop a clear plan for evaluation and program outcomes to better document the successes of Alaska's prevention efforts. The Plan must be presented to the Legislative Budget and Audit Committee prior to the beginning of the 2006 legislative session, or to the House and Senate Finance Committees by February 1, 2006 for approval. Upon approval of the Plan, up to \$2,000,000 in TANF Bonus award funding may be made available for alcohol and drug program expansion. The amount of the funding will be prorated based on timing and realistic use of funds. AK <u>Fetal Alcohol Syndrome Program</u> \$6,424,400	2005	Passed on 05/24/2005

State	Bill Number	Category	Description	Introduced	Status
AK	HB312	Prevention and Intervention Services	An act relating to pregnant women; requiring hospitals, schools, and alcohol licensees and permittees to distribute information about <u>fetal alcohol effects and fetal alcohol syndrome</u> ; relating to the consumption of alcoholic beverages by and the sale or service of alcoholic beverages to a pregnant woman; requiring involuntary commitment of a pregnant woman who has consumed alcohol; creating a fund for the prevention and treatment of fetal alcohol syndrome and fetal alcohol effects; relating to fines and to the taking of permanent fund dividends for selling or serving alcoholic beverages to pregnant women; and increasing taxes on sales of alcoholic beverages to fund treatment and education related to fetal alcohol syndrome and fetal alcohol effects.	2006	Referred to finance committee 01/16/08
AK	HJR31	Prevention and Intervention Services	BE IT RESOLVED by the Alaska State Legislature that September 9, 2006, be designated as <u>Fetal Alcohol Spectrum Disorders Awareness Day</u> ; and be it...FURTHER RESOLVED that the people of the state observe a moment of reflection on the ninth hour of September 9, 2006, to remember that during the nine months of pregnancy a woman should not consume alcohol.	2006	Legis Resolve 08/30/06, Permanently filed 09/15/06

State	Bill Number	Category	Description	Introduced	Status
AK	HB408	Requirements for Professionals	Sec. 8 AS 47.17 is amended by adding a new section to read: Sec. 47.17.024. Duties of practitioners of the healing arts. (a) A practitioner of the healing arts involved in the delivery or care of a child who the practitioner determines has been adversely affected by, or who is withdrawing from <u>exposure to, a controlled substance or alcohol</u> shall immediately notify the nearest office of the department of the child's condition.	2006	Signed into law 05/03/06
AZ	H2024	General FASD Information	Concerns Child Protective Services; revises neglect, abuse and investigation definitions and records treatment; changes dependency and parental rights procedures; makes determination of what constitutes neglect of a child which may include drug or alcohol abuse of the child's parent, guardian or custodian or the use by the mother of a dangerous drug, a narcotic drug or <u>alcohol during pregnancy</u> if at birth or within a year after birth the child is demonstrably adversely affected by this use; prohibits public access to juvenile chemical dependency evaluations and records.	2003	Enacted 12/18/2003
CO	HB1024	General FASD Information	Concerns child care, and in connection with child care, making modifications to certain statutes affecting foster care child placement agencies; defines medical foster care which provides home-based care for medically fragile children and youth impacted by <u>prenatal drug and alcohol abuse</u> .	2003	Enacted 05/22/2003

State	Bill Number	Category	Description	Introduced	Status
CT	SB165	Prevention and Intervention Services	Section 1. <i>(Effective July 1, 2006)</i> The Commissioner of Mental Retardation, in consultation with the Commissioner of Public Health, shall develop a public awareness campaign designed to (1) educate people about <u>fetal alcohol syndrome</u> , the most common known cause of mental retardation, (2) reduce the number of women who drink alcohol during pregnancy, and (3) reduce the incidence of fetal alcohol syndrome in the state. Section 2. (Effective July 1, 2006) The sum of twenty-five thousand dollars is appropriated to the Department of Mental Retardation, from the General Fund, for the fiscal year ending June 30, 2007, for the purpose of developing a fetal alcohol syndrome public awareness campaign pursuant to section 1 of this act.	2006	Referred to Committee on Public Health 02/16/2006
CT	HB5076	Prevention and Intervention Services	The sum of three hundred fifty thousand dollars will be appropriated to the Department of Public Health, from the General Fund, for the fiscal year ending June 30, 2008, to establish a <u>Fetal and Infant Mortality Review program</u> .	2007	Favorable change of reference, Senate to committee on Appropriations Committee 03/29/2007
DE	HB75	Prevention and Intervention Services	Section 1769A. Requires that written and <u>verbal warnings be given to pregnant patients relating to the dangerous effects of alcohol</u> , cocaine, marijuana, heroin, and other narcotics on a pregnancy.	2005	Signed 07/12/2005

State	Bill Number	Category	Description	Introduced	Status
FL	HB1239	Prevention and Intervention Services	Creates <u>Fetal Alcohol Syndrome Prevention Act</u> ; directs DOH & DCF to maintain a Fetal Alcohol Syndrome Prevention Network; requires establishment of system for assessing charges for specified services; requires DOH, DCF, & DABT of DBPR to provide access to information regarding Fetal Alcohol Syndrome on Internet websites; provides for voluntary admission of an expectant mother for alcohol abuse treatment services; provides criteria for involuntary admission of an expectant mother, including protective custody, emergency admission, & other involuntary assessment, involuntary treatment, & alternative involuntary assessment for minors for purposes of assessment & stabilization & for involuntary treatment; requires described health warning signs to be displayed by alcohol beverage vendors; requires DAB&T of DB&PR to produce & distribute signs; directs DOH to contract with Florida Center for Child & Family Development to establish <u>Fetal Alcohol Spectrum Disorders diagnostic & intervention centers</u> & to develop & provide professional training.	2007	Died in Committee on Health Quality 05/04/2007

State	Bill Number	Category	Description	Introduced	Status
FL	SB2272	Prevention and Intervention Services	Requires Health Dept. to develop public education program to inform public re detrimental effects of <u>fetal alcohol syndrome</u> ; provides that pregnant woman who requests evaluation for counseling or treatment services to minimize risk of alcohol exposure to her unborn child may obtain such evaluation at any licensed service provider participating in <u>fetal alcohol syndrome</u> prevention network, etc. Amends Ch. 397; creates 562.063.	2007	Died in Committee on Judiciary on 05/07/2007
HI	HB908	Legal Affairs	Amends Section 321-426 of the Hawaii State Code so that fees collected for marriage licenses pursuant to Section 572-6 are deposited into the <u>birth defects special fund</u> .	2007	Carried over to 2008 Regular Session
HI	HB1031 SB634	Prevention and Intervention Services	Appropriates \$100,000 in both fiscal years 2003-2004 and 2004-2005 for two counselors on Maui to treat women incarcerated on drug-related charges. The bill quotes statistics for births affected by maternal substance abuse and the societal cost of <u>fetal alcohol syndrome</u> as part of its consideration in making the appropriation.	2003	Carried over to 2004 regular session 08/21/2003
HI	HCR141 HR98 SCR76 SR36	Prevention and Intervention Services	Requesting the Department of Health to establish a coordinated statewide effort to address <u>fetal alcohol spectrum disorder</u> .	2004	Adopted 04/16/2004
HI	HB2109 , SD2	Prevention and Intervention Services	Section 2. There is established within the family health services division of the department of health one full-time equivalent permanent professional <u>fetal alcohol spectrum disorder</u> coordinator position.	2006	Received notice of passage on Final Reading in House (Hse. Com. No. 850). 05/04/2006

State	Bill Number	Category	Description	Introduced	Status
HI	HB2045, SD1	Prevention and Intervention Services	The purpose of this Act is to establish a pilot clinic to address Hawaii's current lack of facilities equipped to provide comprehensive <u>prenatal, delivery, and postpartum care to women</u> who have a history of methamphetamine and other <u>substance abuse, including alcohol</u> and tobacco.	2006	Received notice of passage on Final Reading in House (Hse. Com. No. 850) 05/04/2006
HI	SB2132, SD2	Prevention and Intervention Services	The purpose of this Act is to establish a pilot clinic to provide comprehensive <u>prenatal, delivery, and postpartum care to women</u> who have a history of methamphetamine and other <u>substance use, including alcohol</u> and tobacco.	2006	Passed Second Reading as amended in (HD 1) and referred to the House Committees on Higher Education 03/17/2006
ID	H0165	Prevention and Intervention Services	Adds to existing law to provide for certain warning notices relating to <u>birth defects caused by consumption of alcohol</u> , spirits, wine or beer; and to provide for the designing and printing of warning notices by the department of Health and Welfare and the distribution of the notices by the Alcohol Beverage Control Division of the Idaho State Police.	2007	Passed by House 02/29/2007, Introduced to Senate 03/01/2007
IL	SB0337	Prevention and Intervention Services	Amends the Probate Act of 1975. Provides that the term "developmental disability" includes a disability that is attributable to " <u>fetal alcohol syndrome</u> " or " <u>fetal alcohol effects</u> " (in addition to mental retardation, cerebral palsy, epilepsy, or autism). Effective January 1, 2008.	2007	Senate Governor Approved 08/30/2007

State	Bill Number	Category	Description	Introduced	Status
IL	SB1889	Prevention and Intervention Services	<p>Amends the Alcoholism and Other Drug Abuse and Dependency Act. Requires the Department of Human Services to design and implement an ongoing statewide campaign to raise public awareness about <u>fetal alcohol syndrome and other effects of prenatal alcohol exposure</u>. Provides that the campaign must include pamphlets that describe the causes and effects <u>of fetal alcohol syndrome</u> and provides that the Department must distribute the pamphlets free of charge.</p> <p>(B) if a birth problem is diagnosed during a physician or hospital visit that occurs before the child is:</p> <p>(i) except as provided in item (ii), three (3) years of age at the time of diagnosis; or</p> <p>(ii) five (5) years of age at the time of diagnosis if the disorder is a pervasive developmental disorder or a <u>fetal alcohol spectrum disorder</u>.</p>	2003	Re-referred to Rules Committee 03/14/2003

State	Bill Number	Category	Description	Introduced	Status
IN	Senate Enrolled Act No.188	General FASD Information	SECTION 6. IC 16-38-4-8, AS AMENDED BY P.L.11-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS (EFFECTIVE JULY 1, 2004): Sec. 8. (a) The state department shall establish a birth problems registry for the purpose of recording all cases of birth problems that occur in Indiana residents and compiling necessary and appropriate information concerning those cases, as determined by the state department, in order to:...(2) inform the parents of children with birth problems:...(B) if a birth problem is diagnosed during a physician or hospital visit that occurs before the child is:...(II) five (5) years of age at the time of diagnosis if the disorder is a pervasive developmental disorder or a <u>fetal alcohol spectrum disorder</u> ;...(b) The state department shall record in the birth problems registry:...(2) any additional information that may be provided by an individual or entity described in section 7(a)(2) of this chapter concerning a birth problem that is:...(B) recognized:...(ii) before the child is five (5) years of age if the child is diagnosed with a pervasive developmental disorder or a <u>fetal alcohol spectrum disorder</u> ;	2004	Approved by the Governor 03/16/2004

State	Bill Number	Category	Description	Introduced	Status
IN	HB1314	Prevention and Intervention Services	SECTION 1. (a) As used in this SECTION, “department” refers to the state department of health established by IC 16-19-1-1. (b) The department shall conduct a study of: (1) drug abuse; (2) <u>alcohol abuse</u> ; and (3) use of tobacco; <u>by women during pregnancy</u> . (c) The study required by subsection (b) must include the following: (1) The scope of the use of drugs, alcohol, and tobacco. (2) Programs that are available to assist women who: (a) suffer from drug or alcohol abuse; or (B) use tobacco; during pregnancy. (3) Identification of gaps in services for pregnant women who use drugs, alcohol, or tobacco. (d) The department shall prepare a report on the study required by subsection (b). The report must include recommendations for providing programs to fill gaps in services identified under subsection (c). (e) The department shall submit the report to the: (1) legislative council; and (2) health finance commission; before October 1, 2006.	2006	Signed by the Governor 03/17/2006
IN	HB1454, amended into HB1457	Prevention and Intervention Services	Establishes the prenatal substance use prevention program within the state department of health to help prevent poor birth outcomes by helping to decrease or eliminate the <u>use of alcohol</u> , tobacco, and other drugs during pregnancy.	2007	Signed by the Governor 05/08/2007

State	Bill Number	Category	Description	Introduced	Status
KY	HB260	General FASD Information	As used in KRS 200.650 to KRS 200.676, unless the text requires otherwise: “Diagnosed physical or mental condition that has a high probability of resulting in developmental delay” or “established risk diagnosis” means a condition that typically results in developmental delay, including but not limited to chromosomal abnormalities, genetic or congenital disorders, severe sensory impairments, including hearing and vision, inborn errors of metabolism, disorders reflecting disturbance of the development of the nervous system, congenital infections, disorders secondary to exposure to toxic substances, including <u>fetal alcohol syndrome</u> , and severe attachment disorders.	2004	Sent to Health and Welfare Senate Committee 02/18/2004
KY	HB56 SB222	Prevention and Intervention Services	The General Assembly finds and declares that the goals for public health as expressed by the Department for Public Health in its report, Healthy Kentuckians 2010, are laudable goals, and the policies of the Commonwealth should be directed to work toward these goals, including but not limited to the following... <u>Substantially reduce the number of cases of fetal alcohol spectrum disorder (FASD)....</u>	2005	HB56 introduced to Education Committee 02/17/2005 SB222 introduced to Education Committee 02/15/2005
LA	HB243	Legal Affairs	Enacts safe haven relinquishment provisions for newborn infants whereby any parent may relinquish the care of an infant to the state without prosecution; provides that an act of relinquishment constitutes parental consent for the purposes of examining and testing if the infant suffered <u>fetal exposure to alcohol or drugs.</u>	2003	Enacted 06/27/2003

State	Bill Number	Category	Description	Introduced	Status
LA	HB125	Legal Affairs	AN ACT To amend and reenact Children's Code Articles 603(16.1) and 610(G) and to enact Children's Code Article 603(14.1.1), relative to prenatal neglect; to provide with respect to the definition of newborn; to <u>add alcohol exposure to the definition of prenatal neglect</u> ; to provide for the duty of a physician to issue a report in certain instances; and to provide for related matters.	2007	Withdrawn from the files of the House prior to introduction.
ME	LD1677	Prevention and Intervention Services	Sec. A-1. Supplemental appropriations and allocations, There are appropriated and allocated from various funds for the fiscal years ending June 30, 2006 and June 30, 2007, to the departments listed, the following sums. Office of Substance Abuse 0679 Initiative: Provides funding to support the <u>Fetal Alcohol Spectrum Disorders Center for Excellence</u> . 2005-06: \$28,201	2005	Signed by the Governor 06/13/2005

State	Bill Number	Category	Description	Introduced	Status
MD	HB1270	Prevention and Intervention Services	Task Force to Study the Prevention of Fetal Alcohol Syndrome. Creates a task force to jointly with the Department of Health and Mental Hygiene, identify certain at-risk individuals and groups, review and coordinate certain State programs related to <u>fetal alcohol syndrome</u> , and <u>develop guidelines for the creation of a certain campaign related to fetal alcohol syndrome</u> . Requiring the Task Force to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Prevention of Fetal Alcohol Syndrome.	2004	Withdrawn 03/17/2004
MD	HB1273	Requirements for Professionals	Teachers – Certification – Fetal Alcohol Spectrum Disorders Course Credit. For the purpose of requiring the State Superintendent of Schools and the Professional Standards and Teacher Education Board to require certain applicants for a teacher’s certificate to complete a certain number of semester hours covering <u>fetal alcohol spectrum disorders</u> and to determine the number of minimum semester hours covering fetal alcohol spectrum disorders required for a teacher’s certificate.	2004	Assigned to Ways and Means; received an unfavorable report 03/27/2004

State	Bill Number	Category	Description	Introduced	Status
MD	HB1274	Prevention and Intervention Services	Public Health – Fetal Alcohol Syndrome Prevention – Public Awareness Campaign. For the purpose of requiring the secretary of health and mental hygiene, in collaboration with other State agencies, to establish and promote a statewide public information, awareness, and education campaign relating to the prevention of <u>fetal alcohol syndrome</u> ; providing for the components of the campaign; authorizes the Secretary to use specified resources to carry out the provisions of the Act.	2004	Signed by the Governor Chapter 409 05/11/2004
MD	HB1114	Requirements for Professionals	State Board of Physicians – Licensing and Continuing Education Requirements. For the purpose of requiring physicians to complete a course or program on <u>fetal alcohol spectrum disorders</u> before becoming licensed; and authorizing the State Board of Physicians to require licensees to complete continuing education requirements on fetal alcohol spectrum disorders.	2004	Assigned to Health and Government Operations 02/18/2004
MD	HB389	Requirements for Professionals	Requiring the State Superintendent of Schools and the Professional Standards and Teacher Education Board to require applicants for a teacher's certificate to complete a minimum number of semester hours covering <u>fetal alcohol spectrum disorders</u> and to determine the minimum number of specified semester hours required for a teacher's certificate; etc.	2005	Unfavorable report by Ways and Means 04/06/2005
MI	HR164	Prevention and Intervention Services	A resolution to recognize September 9, 2007, as <u>Fetal Alcohol Spectrum Disorders Awareness Day</u> in the State of Michigan.	2007	Adopted 08/21/2007

State	Bill Number	Category	Description	Introduced	Status
MN	HF 2513 SF1969	Prevention and Intervention Services	On July 1 of each fiscal year, beginning July 1, 2004, \$1.19 million of the general fund appropriation to the commissioner of health for <u>fetal alcohol spectrum disorder</u> administration and grants shall be transferred to a statewide organization that focuses solely on prevention of and intervention with fetal alcohol spectrum disorder. The money shall be used for prevention and intervention services and programs, including, but not limited to, community grants, professional education, public awareness, and diagnosis.	2004	Enacted under HF2277– date unknown (effective 07/01/2004)
MN	HF286 SF964	Prevention and Intervention Services	A bill for an act relating to human services; continuing funding for programs related to reducing <u>fetal alcohol syndrome</u> , appropriating money.	2007	Referred to Health Care and Human Services Finance Division 01/22/2007
MN	HF738 SF322	Prevention and Intervention Services	Section 1. Minnesota Statutes 2006, section 253B.065, subdivision 5, is amended to read: ... (c) The court may order early intervention treatment if the court finds that a pregnant woman is a chemically dependent person. A chemically dependent person for purposes of this section is a woman who has during pregnancy engaged in excessive use, for a nonmedical purpose, of controlled substances or their derivatives, <u>alcohol</u> , or inhalants that will pose a substantial risk of damage to the brain or physical development of the fetus.	2007	Effective 08/01/2007
MO	HB901	Prevention and Intervention Services	Creates the Fund for the Reduction of <u>Alcohol-Related Problems</u> .	2004	Last action – public hearing 04/06/2004

State	Bill Number	Category	Description	Introduced	Status
MO	HB1162	General FASD Information	Section A. Chapter 311, RSMo, is amended by adding thereto one new section, to be known as section 311.551, to read as follows: 311.551. 1. As used in this section and section 311.552, the term "alcohol-related problems" includes but is not limited to: (1) Fetal alcohol syndrome and fetal alcohol effects and consequences for neonatal care, disabilities, and human development; ... 2. There is hereby created in the state treasury a special trust fund, to be known as the "Fund for the Reduction of Alcohol-Related Problems and Underage Drinking." The state treasurer shall credit to and deposit in the fund for reduction of <u>alcohol-related problems</u> and underage drinking all amounts received pursuant to this section and section 311.552.	2006	Passed by House Rules Committee 03/28/2006
MO	HB 184	Prevention and Intervention Services	Creates the Fund for the Reduction of <u>Alcohol-Related Problems</u> and Underage Drinking to be administered by the State Treasurer.	2005	Referred to Ways and Means 04/11/2005
MO	SB676	Prevention and Intervention Services	A person commits child abuse when knowing that she is pregnant, chronically and severely <u>exposes an unborn child to alcohol</u> or a controlled substance during pregnancy and such child, at birth, is demonstrably adversely affected by such exposure.	2007	Referred to Judiciary and Civil & Criminal Jurisprudence Committee 03/05/2007
MT	HB 715	Prevention and Intervention Services	A bill for an act entitled "An Act Providing an Appropriation to the Department of Public Health and Human Services for <u>Fetal Alcohol Syndrome Prevention</u> ; and Providing an Effective Date."	2005	Missed deadline for appropriation Bill Transmittal 03/30/2005

State	Bill Number	Category	Description	Introduced	Status
MT	HB252	Prevention and Intervention Services	A bill for an act entitled “An Act Increasing Certain Taxes on Alcoholic Beverages; Providing That Increased Revenue From Taxes on Alcoholic Beverages Must Be Used by the Department of Public Health and Human Services for the Prevention of or Treatment of Effects Related to <u>Fetal Alcohol Syndrome</u> ; Amending Sections 16-1-401, 16-1-404, 16-1-406, 16-1-411, and 53-24-108, MCA; and Providing an Effective Date and an Applicability Date.”	2005	Missed deadline for Revenue Bill Transmittal 04/04/2005
NE	LB862	Prevention and Intervention Services	Section 1. There is hereby appropriated \$500,000 from the general Fund for FY2006-07 to the Department of Health and Human Services Finance and Support, for Program 514, to be used for <u>alcohol-related birth defects</u> prevention programs. It is the intent of the Legislature that increased tax revenue generated from liquor sales be utilized for this appropriation.	2006	Referred to Appropriations Committee 01/06/2006
NE	LB1244	Prevention and Intervention Services	Section 1. Section 71-647, Reissue Revised Statutes of Nebraska, is amended to read: 71-647 (1) The Department of Health and Human Services regulation and Licensure shall have and may exercise the following powers and duties:...(c) To carry on programs of professional education and training of medical students, physicians, nurses, scientists, and technicians in the causes, methods of prevention, treatment, and cure of birth defects. Such programs shall provide for, but not be limited to, statewide research and education on the prevention of <u>alcohol-related birth defects</u>	2006	Placed on General File 02/14/2006

State	Bill Number	Category	Description	Introduced	Status
NV	SB307	Prevention and Intervention Services	Requires posting of signs in certain food establishments warning of risk of drinking alcoholic beverages during pregnancy and <u>merges Advisory Subcommittee on Fetal Alcohol Syndrome</u> into Advisory Board on Maternal and Child Health.	2003	Approved by Governor 05/28/2003
NV	SB296	Legal Affairs	Revises the provisions governing when a child is in need of protection because he is <i>affected by alcohol use</i> , illegal substance abuse, or has withdrawal symptoms resulting from prenatal drug exposure; providing a penalty; and providing other matters properly relating thereto. Revises provisions governing abuse or neglect of children – Amending 4032B.170 to allow sharing of information with other state and local agencies if the purpose of the sharing is for the development of a plan for care, treatment or supervision of a child who has been abused or neglected, or an infant who is born and has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from <i>prenatal drug exposure....</i>	2005	Approved by Governor 06/15/2005
NH	HB83	Prevention and Intervention Services	Requires that brochures related to family planning services, fetal alcohol syndrome, and human immunodeficiency virus be available to the public in the office of the town clerk. Also requires that the brochure related to <u>fetal alcohol syndrome</u> be available to the public in state liquor stores. Removes the requirement in current law that the clerk discuss the brochures with marriage license applicants and that they sign an affidavit confirming receipt of the brochures.	2005	Passed with amendment 07/22/2005

State	Bill Number	Category	Description	Introduced	Status
NH	HB383	General FASD Information	A completed fetal death report shall consist of the following medical information regarding the pregnancy including: (a) The medical risk factors for the pregnancy. (b) Any other risk factors, such as, but not limited to, tobacco or <u>alcohol use</u>	2005	Signed by Governor 07/22/2005
NJ	A.J.R. 88	Prevention and Intervention Services	Designates September 9th of each year as “ <u>Fetal Alcohol Syndrome Awareness Day</u> .”	2004	Referred to Senate Health, Human Services, and Senior Citizens Committee 06/24/2004
NM	HB141	Legal Affairs	Whoever gives birth to a child who has <u>fetal alcohol syndrome</u> is guilty of a misdemeanor, unless the fetal alcohol syndrome results in the child's death, in which case, the child's mother is guilty of a second degree felony.	2007	Introduced to House Consumer & Public Affairs Committee/House Judiciary Committee 2007
NM	SB190	Prevention and Intervention Services	Making general appropriations and authorizing expenditures by state agencies required by law – also appropriating funds for <u>fetal alcohol study</u> .	2005	Effective 03/17/2005, without funds appropriated for FASD

State	Bill Number	Category	Description	Introduced	Status
NM	Senate Memorial 13	Prevention and Intervention Services	WHEREAS, underage drinking is more likely to kill young people than all illegal drugs combined and can result in children born with <u>fetal alcohol syndrome</u> , NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the public education department, the children, youth and families department and the department of health be requested to participate in campaigns to increase awareness of the problem of underage drinking in New Mexico.	2005	Signed on legislative day 49 by the officers of the Senate
NM	HJM43	Prevention and Intervention Services	A joint memorial requesting that the department of health, the human services department, the children, youth and families department and the public education department recognize the issue of fetal alcohol syndrome and endorse the viewing of “Gary and the Angels” to increase awareness of this syndrome and that state agencies work with private sector entities to take tangible steps to end <u>fetal alcohol syndrome</u> .	2006	Passed both Houses on legislative day 22

State	Bill Number	Category	Description	Introduced	Status
NM	SB463	Prevention and Intervention Services	An act making an appropriation to the department of health for a <u>fetal alcohol syndrome</u> awareness pilot project. Section 1. APPROPRIATION.--Fifty thousand dollars (\$50,000) is appropriated from the general fund to the department of health for expenditure in fiscal year 2007 to contract with a nonprofit organization for a fetal alcohol syndrome awareness pilot project. The project shall show the film “Gary and the Angels” and conduct associated awareness initiatives in public schools and target health areas throughout the state. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.	2006	Sent to Senate Finance Committee on legislative day 9
NM	HB622	Prevention and Intervention Services	The following amounts are appropriated from the general fund to the local government division of the department of finance and administration for expenditure in fiscal years 2006 through 2010, unless otherwise provided in Section 2 of this act, for the following purposes:... twenty-five thousand dollars (\$ 25,000) to plan, design, construct, equip and furnish a facility for use by a foundation promoting <u>fetal alcohol syndrome</u> awareness in Los Ranchos de Albuquerque in Bernalillo county	2006	Chaptered 03/09/2006
NY	A02511	Legal Affairs	Amends definition of maltreated or neglected child to include children of alcohol or drug abusers who are unable to provide minimal care to the child or <u>where such parent used alcohol or drugs during pregnancy</u> resulting in the drug dependency of the child at birth.	2005	Referred to Children and Families Committee 01/04/2006

State	Bill Number	Category	Description	Introduced	Status
NY	A06925	Prevention and Intervention Services	Requires secondary schools to include within their health education course the medical and legal ramifications of <u>alcohol</u> , tobacco and other drug <u>use during pregnancy</u> .	2005	Referred to Education Committee 01/04/2006
NY	A06050	Prevention and Intervention Services	Provides for <u>testing of newborns for presence of alcohol</u> and/or controlled substance; makes provisions for intensive drug rehabilitation services as preventative services for any parent of a newborn testing positive for alcohol and/or controlled substances; directs the commissioner of health to establish criteria and guidelines for sample testing; establishes guidelines for admissibility of such laboratory test results in family court; provides for referring alcohol and substance abusers to drug treatment court.	2007	Referred to Committee on Children and Families 02/28/2007
NY	A06128	Prevention and Intervention Services	Requires secondary schools to include within their health education course the medical and legal ramifications of <u>alcohol</u> , tobacco and other drug use during pregnancy.	2007	Referred to Committee on Education 03/02/2007
NC	HB1118	Prevention and Intervention Services	An act to require <u>signs to be posted warning of the possible dangers of consumption of alcohol during pregnancy</u> .	2003	Enacted 07/20/2003
OR	HB2362	General FASD Information	As used in this section, “children with severe emotional or mental disorders” means children who have been: (b) Diagnosed by a qualified mental health professional as having: ...Psychopathological symptoms related to <u>fetal exposure to alcohol</u> or controlled substances.	2005	Passed by House 05/16/2005

State	Bill Number	Category	Description	Introduced	Status
OR	HB2414	Prevention and Intervention Services	Dedicates a percentage of revenues collected by Oregon Liquor Control Commission to establishment, operation and maintenance of programs related to <u>fetal alcohol syndrome</u> . Declares emergency, effective on passage.	2007	Referred to Human Services and Women's Wellness with subsequent referral to Ways and Means. 01/17/2007
PA	HR855	Prevention and Intervention Services	Designating the month of September 2004 as "Alcohol and Drug Addiction Recovery Month" in Pennsylvania. WHEREAS, Addiction treatment prevents <u>fetal alcohol syndrome</u> and other addiction-related illness...RESOLVED, That the House of Representatives designate the month of September 2004 as "Alcohol and Drug Addiction Recovery Month" in Pennsylvania.	2004	Adopted 10/04/2004
PA	HR167	Prevention and Intervention Services	WHEREAS, Recommendations for a <u>healthy pregnancy</u> include prevention of infections such as rubella, not using prescription or over-the-counter medications without approval of a doctor and avoiding tobacco, <u>alcohol</u> and illicit substances; therefore be it RESOLVED, That the House of Representatives recognize the month of May 2005 as "Healthy Babies Month" in Pennsylvania and urge parents and prospective parents to contact the March of Dimes and allied health care organizations for literature on how to prepare themselves before conception and during pregnancy.	2005	Adopted 04/11/2005

State	Bill Number	Category	Description	Introduced	Status
PA	HR393	Prevention and Intervention Services	Memorializing the Congress of the United States to amend the Social Security Act to include Medicaid coverage for addiction treatment for pregnant women...WHEREAS, Addiction treatment drastically reduces health care spending and the incidence rates of <u>fetal alcohol syndrome</u> and drug and alcohol-related crime...	2005	Adopted 07/06/2005
PA	HR434	Prevention and Intervention Services	Designating the month of September 2005 as “Alcohol and Drug Recovery Month” in Pennsylvania...WHEREAS, Addiction treatment prevents <u>fetal alcohol syndrome</u> and other addiction-related illness...RESOLVED, That the House of Representatives designate the month of September 2005 as “Alcohol and Drug Addiction Recovery Month” in Pennsylvania.	2005	Adopted 09/27/2005
PA	HR334	Prevention and Intervention Services	Designating June 15, 2005, as “White Deer Run/Cove Forge, Inc., Day” in Pennsylvania and congratulating White Deer Run/Cove Forge, Inc., on 35 years of bringing healing to Pennsylvania families of persons with alcohol and other drug addictions...WHEREAS, Treatment for the primary disease of alcohol and drug addiction prevents <u>fetal alcohol and drug syndrome</u> and other addiction-related illnesses...RESOLVED That the House of Representatives designate June 15, 2005, as “White Deer Run/Cove Forge, Inc., Day” in Pennsylvania...	2005	Introduced as non-controversial resolution under rule 35, 06/13/2005

State	Bill Number	Category	Description	Introduced	Status
PA	HR660	Prevention and Intervention Services	WHEREAS, Recommendations for a <u>healthy pregnancy</u> include prevention of infections such as rubella, not using prescription or over-the-counter medications without approval of a doctor and <u>avoiding tobacco, alcohol and illicit substances</u> ...therefore be it RESOLVED, That the House of Representatives recognize the month of May 2006 as “Healthy Babies Month” in Pennsylvania and urge parents and prospective parents to contact the March of Dimes and allied health care organizations for literature on how to prepare themselves before conception and during pregnancy.	2006	Introduced as non-controversial resolution under rule 35, 04/03/2006
RI	S2282	Prevention and Intervention Services	With each marriage license, the town or city clerk shall provide information describing the causes and effects of <u>fetal alcohol syndrome</u> .	2004	Enacted 06/29/2004
TX	HB1455	Prevention and Intervention Services	Relating to the establishment of a pilot program in certain counties to require health and human services providers to provide screening to prevent <u>fetal alcohol spectrum disorders</u> .	2007	Referred to Committee on Public Health 02/19/2007
UT	HB409	Legal Affairs	This bill requires that, when a person is sentenced for certain drug or alcohol related offenses, if the person was pregnant at the time of the offense, the court shall order that person participate in drug or alcohol treatment.	2007	House/ enacting clause struck 02/28/2007

State	Bill Number	Category	Description	Introduced	Status
VA	SB314	Requirements for Professionals	Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report. For purposes of subsection A, “reason to suspect that a child is abused or neglected” shall include...(iv) a diagnosis by an attending physician made within seven days of a child’s birth that the child has <u>fetal alcohol syndrome</u> attributable to in utero exposure to alcohol. When “reason to suspect” is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Any person required to file a report pursuant to this section who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.	2004	Defeated in House Committee for Courts of Justice 03/03/2004
WA	HB2093	Legal Affairs	A parent of a child, the person entrusted with the physical custody of a child or dependent person, or a person employed to provide to the child or dependent person the basic necessities of life is guilty of criminal mistreatment in the first degree: ...If a mother recklessly, as defined in RCW 9A.08.010, <u>causes great bodily harm to her unborn quick child by the use of alcohol or any illicit drug....</u>	Introduced 2005 Reintroduced 2006	By resolution, reintroduced and retained in present status 01/09/2006
WA	HB2095	Legal Affairs	An act relating to the use of pharmaceutical birth control or tubal ligation in cases of <u>children born alcohol or drug-affected.</u>	Introduced 2005 Reintroduced 2006	By resolution, reintroduced and retained in present status 01/09/2006

State	Bill Number	Category	Description	Introduced	Status
WI	AB955	Prevention and Intervention Services	With each declaration of domestic partnership, the county clerk shall provide a pamphlet describing the cause and effects of <u>fetal alcohol syndrome</u> .	2004	Failed to pass pursuant to Senate Resolution 1 03/31/2004

Table 1.5 Withdrawn/Defeated Legislation

FL	<u>HB1239</u>	Prevention and Intervention Services	Creates <u>Fetal Alcohol Syndrome Prevention Act</u> ; directs DOH & DCF to maintain a Fetal Alcohol Syndrome Prevention Network; requires establishment of system for assessing charges for specified services; requires DOH, DCF, & DABT of DBPR to provide access to information regarding Fetal Alcohol Syndrome on Internet websites; provides for voluntary admission of an expectant mother for alcohol abuse treatment services; provides criteria for involuntary admission of an expectant mother, including protective custody, emergency admission, & other involuntary assessment, involuntary treatment, & alternative involuntary assessment for minors for purposes of assessment & stabilization & for involuntary treatment; requires described health warning signs to be displayed by alcohol beverage vendors; requires DAB&T of DB&PR to produce & distribute signs; directs DOH to contract with Florida Center for Child & Family Development to establish Fetal Alcohol Spectrum Disorders diagnostic & intervention centers & to develop & provide professional training.	2007	Died in Committee on Health Quality 05/04/2007
FL	<u>SB2272</u>	Prevention and Intervention Services	Requires Health Dept. to develop public education program to inform public re detrimental effects of <u>fetal alcohol syndrome</u> ; provides that pregnant woman who requests evaluation for counseling or treatment services to minimize risk of alcohol exposure to her unborn child may obtain such evaluation at any licensed service provider participating in fetal alcohol syndrome prevention network, etc. Amends Ch. 397; creates 562.063.	2007	Died in Committee on Judiciary on 05/07/2007

LA	HB125	Legal Affairs	AN ACT To amend and reenact Children's Code Articles 603(16.1) and 610(G) and to enact Children's Code Article 603(14.1.1), relative to prenatal neglect; to provide with respect to the definition of newborn; to add <u>alcohol</u> exposure to the definition of prenatal neglect; to provide for the duty of a physician to issue a report in certain instances; and to provide for related matters.	2007	Withdrawn from the files of the House prior to introduction.
MD	HB1270	Prevention and Intervention Services	Task Force to Study the Prevention of Fetal Alcohol Syndrome. Creates a task force to jointly with the Department of Health and Mental Hygiene, identify certain at-risk individuals and groups, review and coordinate certain State programs related to <u>fetal alcohol syndrome</u> , and <u>develop guidelines for the creation of a certain campaign related to fetal alcohol syndrome</u> . Requiring the Task Force to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Study the Prevention of Fetal Alcohol Syndrome.	2004	Withdrawn 03/17/2004
MD	HB389	Requirements for Professionals	Requiring the State Superintendent of Schools and the Professional Standards and Teacher Education Board to require applicants for a teacher's certificate to complete a minimum number of semester hours covering <u>fetal alcohol spectrum disorders</u> and to determine the minimum number of specified semester hours required for a teacher's certificate; etc.	2005	Unfavorable report by Ways and Means 04/06/2005

MT	HB252	Prevention and Intervention Services	A bill for an act entitled “An Act Increasing Certain Taxes on Alcoholic Beverages; Providing That Increased Revenue From Taxes on Alcoholic Beverages Must Be Used by the Department of Public Health and Human Services for the Prevention of or Treatment of Effects Related to <u>Fetal Alcohol Syndrome</u> ; Amending Sections 16-1-401, 16-1-404, 16-1-406, 16-1-411, and 53-24-108, MCA; and Providing an Effective Date and an Applicability Date.”	2005	Missed deadline for Revenue Bill Transmittal 04/04/2005
MT	HB 715	Prevention and Intervention Services	A bill for an act entitled “An Act Providing an Appropriation to the Department of Public Health and Human Services for <u>Fetal Alcohol Syndrome Prevention</u> ; and Providing an Effective Date.”	2005	Missed deadline for appropriation Bill Transmittal 03/30/2005
VA	SB314	Requirements for Professionals	Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report. For purposes of subsection A, “reason to suspect that a child is abused or neglected” shall include...(iv) a diagnosis by an attending physician made within seven days of a child’s birth that the child has <u>fetal alcohol syndrome</u> attributable to in utero exposure to alcohol. When “reason to suspect” is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Any person required to file a report pursuant to this section who fails to do so within seventy-two hours of his first suspicion of child abuse or neglect shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$100 nor more than \$1,000.	2004	Defeated in House Committee for Courts of Justice 03/03/2004

WI	AB955	Prevention and Intervention Services	With each declaration of domestic partnership, the county clerk shall provide a pamphlet describing the cause and effects of <u>fetal alcohol syndrome</u> .	2004	Failed to pass pursuant to Senate Resolution 1 03/31/2004
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